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July 6, 2015

***VIA CM/ECF AND U.S. MAIL***

The Hon. Deborah A. Batts  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl St., Room 2510  
New York, NY 10007

**RE: United States v. Anthony Cuti, 08-CR-972**

Dear Judge Batts,

I write on behalf of Defendant Anthony Cuti to respectfully request that the Court accept the late filing made on July 4, 2015, on the subject of restitution. On July 2, the Court granted an extension of time to file until July 3, 2015. We had requested only a one-day extension because counsel for Duane Reade had previously stated that he did not oppose extensions so long as Duane Reade had three weeks to reply.

Despite our best efforts to file before midnight on July 3, we ran into a technical problem such that approximately half of our brief inexplicably disappeared. To document the problem, I captured a screenshot, which I sent to counsel for the government just before midnight when it became apparent that we were not going to be able to repair the document in time to file on time. To avoid any potential prejudice as a result of late filing, we stayed up until we were able to reconstruct the missing portion of the brief into a new document from earlier versions. The ultimate filing time was 3:19 a.m. EDT.

We regret this late filing, particularly after receiving two extensions, and we respectfully request the Court's indulgence and acceptance of this important filing.

Respectfully submitted,



Brian C. Brook

cc: Parvin Moyne (*via CM/ECF*)  
Daniel Beller (*via CM/ECF*)